

VZCZCXRO6776

PP RUEHDBU RUEHFL RUEHKW RUEHLA RUEHROV RUEHSR
DE RUEHFR #3823/01 2561553

ZNY CCCCC ZZH

P 131553Z SEP 07

FM AMEMBASSY PARIS

TO RUEHC/SECSTATE WASHDC PRIORITY 0118

INFO RUEHDL/EUROPEAN POLITICAL COLLECTIVE PRIORITY

RUEHMO/AMEMBASSY MOSCOW PRIORITY 5964

RUEHPS/USOFFICE PRISTINA PRIORITY

RUCNDT/USMISSION USUN NEW YORK PRIORITY 1361

C O N F I D E N T I A L SECTION 01 OF 02 PARIS 003823

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E.O. 12958: DECL: 09/13/2017

TAGS: [PREL](#) [PGOV](#) [UNSC](#) [YI](#) [DSR](#) [EU](#) [FR](#)

SUBJECT: KOSOVO: GOF NOTES PROGRESS ON INDEPENDENCE IN THE EU

Classified By: POLITICAL MINISTER-COUNSELOR JOSIAH ROSENBLATT FOR REASO
NS 1.4 (B) AND (D)

¶1. (C) SUMMARY: GOF officials told us on September 12 that they are increasingly optimistic that the EU will come to a consensus on the recognition of an independent Kosovo after the December 10 Troika deadline. Edouard Beslay, the MFA's DAS-equivalent for the Balkans, told us that only seven of the 27 member states still oppose the EU's recognition of a Kosovar UDI. Beslay was optimistic that despite some remaining hurdles, the atmospherics for recognition were improving. Isabelle Dumont, FM Kouchner's Balkans Counselor, told us in a separate meeting that the Minister was feeling increasingly confident about EU unity, particularly after a very positive visit to Bucharest. Kouchner, in spite of a very busy schedule, Dumont told us, was taking an active role in lobbying for EU unity. She also noted that Kosovo is on the FM's agenda for September 17/18 talks with Russian FM Lavrov in Moscow.

¶2. (C) SUMMARY CONTINUED: While Beslay was optimistic about EU unity on independence, he was relatively pessimistic about the possibility of EU consensus on using UNSCR 1244 as the legal basis for an EU mission in Kosovo. NATO's KFOR mission, Beslay said, would likely have to continue as the sole framework for an international military presence in Kosovo. Both Dumont and Beslay noted that Kouchner remains convinced that there can be a resolution between the parties, but that he is unlikely to make any surprising moves without first consulting Quint members. They both expect Kouchner will be testing potential solutions with Quint allies over the next several weeks, including with the Secretary. END SUMMARY

MORE EU UNITY ON INDEPENDENCE

¶3. (C) In separate meetings on September 12, Edouard Beslay, DAS-equivalent for the Balkans, and Isabelle Dumont, FM Kouchner's Balkans Counselor, told us that they are increasingly optimistic that the EU will come to a consensus on the recognition of an independent Kosovo after the December 10 Troika deadline. Beslay said that, as of the September 8 Portugal Gymnich, only seven of the 27 member states still oppose the EU's recognition of Kosovo's independence. Dumont noted that despite a busy schedule, Kouchner had made a strong effort to lobby for EU unity with his EU counterparts. Kouchner's September 3 trip to Bucharest, Dumont said, was very successful in convincing the Romanians to follow the example of the Slovaks and agree not to block consensus. Dumont described Kouchner's strategy as an effort to secure EU unity "little by little." She also pointed to Kouchner and Miliband's joint op-ed in The Guardian (Sept. 6 edition) and Le Monde (Sept. 7 edition) as

having played a helpful role in setting the tone for private discussions at the Gymnich.

EU POLICE & RULE OF LAW MISSION STILL IN JEOPARDY

¶4. (C) While Beslay was positive about the progress made towards EU unity on the recognition of an independent Kosovo, he was pessimistic about consensus on the legal basis for the once envisioned ESDP-led police and rule of law mission. Beslay said that arguments favoring UNSCR 1244 as a legal foundation for the EU mission (in the event of EU recognition of a Kosovar UDI) were not gaining traction with several European capitals. He emphasized that many states including Sweden and Denmark would only accept a new UNSCR as the basis for the ESDP mission. The GOF, Beslay stressed, is very concerned that NATO's KFOR will have no choice but to continue its mission in Kosovo. This could present problems if countries like Germany are forced to reconsider their troop contributions. For the moment, Beslay said, the German government believes it does not need a new mandate from the parliament to continue the mission, but Beslay judged that there are potential legal and political uncertainties for Germany, and possibly other contributing nations. He also noted that the lack of the envisaged ESDP-led mission in Kosovo would not ease the path towards normalization of the region.

THE TROIKA'S EFFORTS

¶5. (C) Dumont told us that FM Kouchner has confidence in Ischinger, the Troika's EU representative, and was particularly impressed by Ischinger's presentation at the September 8 Gymnich. Ischinger, Dumont said, offered a

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realistic analysis of the parties, willingness to negotiate and began preparing EU members for the inevitable failure to find a settlement. Both Beslay and Dumont stressed that Kouchner remains disappointed that the Troika is not taking a proactive role in suggesting possible solutions. Beslay told us that the FM understood, however, that there is no desire in Quint capitals to move in that direction. Dumont continued to push for more Franco-American dialogue on potential solutions, such as Dumont's "association of states" concept.

FM KOUCHNER'S NEXT STEPS

¶6. (C) Dumont told us that Kosovo is on Kouchner's agenda for his talks in Moscow September 17/18. She assured us that the Minister would not make any proposals to Russian FM Lavrov, but rather, would attempt to gauge Russia's overall flexibility. The GOF has not completely given up on a new UNSCR, Dumont added, and would continue to push the GOR. Dumont and Beslay expect that Kouchner will be reaching out to Quint FMs, ahead of the Contact Group Ministerial in New York on September 28, in an effort to measure reaction to his ideas for a settlement between the parties. Both Dumont and Beslay said that while the GOF's fundamental position is clear and that Kouchner sees no other future for Kosovo other than eventual independence, the FM is also convinced that a negotiated solution is possible and preferred. Dumont and Beslay added, however, that they believe the FM understands the need to have Quint support, and they do not expect Kouchner to make any proposals without first consulting allies.

SERBIAN POLITICS

¶7. (C) Serbian President Tadic's presidency is in jeopardy, Beslay judged. With Kostunica refusing to allow for presidential elections before the Troika's December 10

deadline, Tadic will be forced to run for reelection after Kosovo's UDI -- in a potentially explosive atmosphere. While Tadic has some options, Beslay said, none of them leave him in a very strong position. Beslay told us that Sarkozy will invite Tadic to Paris in October 2007 to discuss Kosovo, Franco-Serbian relations, and Serbia's future in the EU. Kostunica will likely seek an invitation as well, but the GOF will not invite him prior to the December 10 deadline. With Kostunica publicly discussing a possible break of diplomatic relations with states that recognize Kosovo's UDI, the GOF sees more utility in extending an invitation to Kostunica after December 10. Beslay said that, in the meantime, the GOF will continue to try and convince Serbian leaders of the utility of moving forward on Serbia's future in the EU. In doing so, the GOF will ask Serbian authorities to take a measured response to Kosovo's UDI, instead of taking a counterproductive position.

COMMENT

¶ 8. (C) While GOF analysis is relatively positive concerning EU unity on recognizing an independent Kosovo, officials remain seriously concerned about the EU police and rule of law mission as well as about the future stability of Serbia and the region. While the FM's advisors believe Kouchner will consult with Quint allies before making any proposals, they also noted that the Minister is quite frustrated and often unpredictable. Given Kouchner's personal and very emotional interest in the issue, and his penchant for surprises, it is hard to judge whether and how he might seek to personally intervene in negotiations ahead of the December 10 deadline.

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Stapleton